

1 SANDRA K. MCBETH (SBN 138697)
2 A Professional Law Corporation
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4 (805) 922-0313
(805) 922-7915(fax)
smcbeth@mcbethlegal.com

5 Chapter 7 Trustee

6
7 UNITED STATES BANKRUPTCY COURT
8 FOR THE CENTRAL DISTRICT OF CALIFORNIA
9
NORTHERN DIVISION

10 In re:) Case No.: 9:17-BK-11830-PC
11) Chapter 7
12 PATRICK DENNIS,)
13 Debtor.) **APPLICATION BY TRUSTEE TO ACT**
) **AS ATTORNEY FOR THE ESTATE**
) **NUNC PRO TUNC TO OCTOBER 6, 2017;**
) **DECLARATION OF SANDRA K.**
) **MCBETH**
)
)
) [FRBP 2014;Local Rule 2014-1]
) [No Hearing Required]
)

17 TO THE HONORABLE PETER H. CARROLL, UNITED STATES BANKRUPTCY
18
JUDGE:

20 The Application of Sandra K. McBeth, Trustee respectfully alleges:

21 1. That she is the duly qualified and acting Trustee in the above-captioned case.

22 The Debtor filed Chapter 7 bankruptcy on October 6, 2017.

23 2. Throughout the course of the administration of this case, the Trustee has
24 attempted to minimize the costs to the estate and handle all matters in her capacity as
25 Trustee. It has now become apparent, however, that there is legal work that needs to be

1 done to properly administer this case, and after thorough investigation by the Trustee, she
2 has determined that the employment of counsel is necessary.

3 3. Applicant requires the assistance of counsel for the following reason:

4 a. Evaluate and negotiate the sale or equity purchase real and personal
5 property which is property of the estate;

6 b. Investigate and recover potential assets that may be available for
7 administration and resolve exemption claims;

8 c. File and pursue any and all litigation and/or motions necessary to
9 accomplish recovery of assets;

10 d. Review, analyze and to the extent necessary, object to filed claims; and,

11 e. Any other legal issues that may arise in administering this case.

12 All such action is required to recover assets and liquidate them for the benefit of
13 creditors. Sandra K. McBeth is an attorney duly admitted to practice before this court has
14 reviewed the facts and law relating to this matter and is willing to undertake the
15 representation of Trustee and the bankruptcy estate in connection with the investigation,
16 litigation and collection of property of the estate.

17 4. Sandra K. McBeth, as an attorney, has substantial experience in the field of
18 bankruptcy litigation and is familiar with all bankruptcy rules and laws.

19 5. For the foregoing and all other necessary and proper purposes, Trustee desires
20 to retain Sandra K. McBeth, a Professional Law Corporation, *nunc pro tunc* to October 6,
21 2017, to represent her in relation to the matters listed above.

22 6. The present hourly rates for Sandra K. McBeth and her staff are as follows:

Sandra K. McBeth	\$395.00
Paralegal (Donna Earnest)	\$ 75.00

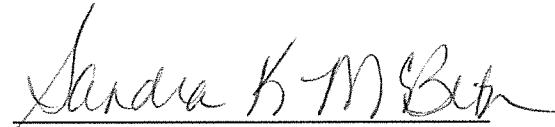
1 No compensation will be paid to Sandra K. McBeth and her firm except upon
2 application to and approval by the Bankruptcy Court after notice and hearing.

3 7. The court has the power to authorize said employment pursuant to 11 U.S.C.
4 §327(d) which reads: "The court may authorize the Trustee to act as attorney for the estate
5 if such authorization is in the best interest of the estate." After thorough investigation by
6 the Trustee, she has determined legal action is necessary to properly administer the assets in
7 this estate, and the Trustee has become readily familiar with the facts of the case.

8 8. Sandra K. McBeth understands that any and all compensation is subject to
9 approval by the Court and will be sought pursuant to 11 U.S.C § 330, and any other
10 applicable provision of the Code and Federal or Local Rules.

11 WHEREFORE, Applicant prays that Sandra K. McBeth, A Professional Law
12 Corporation, be authorized to act as attorney for the estate *nunc pro tunc* to October 6,
13 2017, with compensation for legal services to be paid as an administrative expense in such
14 amounts as this court may hereafter determine and allow.

15 Dated: Dec 6, 2017

16 
17 Sandra K. McBeth, Chapter 7 Trustee

DECLARATION OF SANDRA K. MCBETH

I, SANDRA K. MCBETH, declare:

1. I am the principal of Sandra K. McBeth, A Professional Law Corporation, and am duly admitted to practice before this court. There are no other attorneys in my firm. I am also the duly appointed and acting Trustee in the above-entitled case.

2. A curriculum vitae setting forth the educational background and experience of Sandra K. McBeth is attached hereto as "Exhibit A" and incorporated herein by reference.

3. To the best of my knowledge and belief, neither I nor any employee of Sandra K. McBeth, A Professional Law Corporation, hold or represent any interest adverse to that of Trustee or the debtor's estate. I am a disinterested person within the meaning of 11 U.S.C. section 101(14) and am eligible to serve as counsel for the Trustee and estate pursuant to the provisions of 11 U.S.C. §327(d).

4. Neither me nor my employee have a prepetition or other claim against the estate. My firm has not received a retainer from the debtor, the estate, a principal of the debtor or a third party.

5. To the best of my knowledge, neither me nor my employee, have any connection with the Debtor. I have not represented any other parties related to the above-named debtor and have no plans to do so in the future.

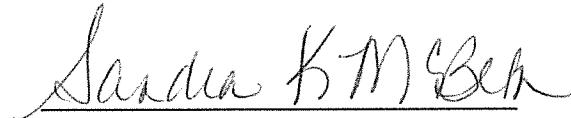
6. I am familiar with the Bankruptcy Code, Bankruptcy Rules, Local Rules for the U.S. Bankruptcy Court, Central District of California and shall comply with them.

7. It is now necessary to employ counsel. Prior to this time, I had been administering the case as Trustee only, as there did not appear to be any legal issues that would require additional representation. As the facts are being investigated and discovery ongoing, issues have come to my attention that now require this representation. I am requesting *nunc pro tunc* approval of this employment to October 6, 2017, as this is when the

1 more complicated matters and new facts began to come to light and required additional
2 service.

3 I declare under the penalty of perjury under the laws of the United States that the
4 foregoing is true and correct.

5 Executed on December 6, 2017, Santa Maria, California.

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Sandra K. McBeth

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CURRICULUM VITAE

SANDRA K. MCBETH, born 1961; Admitted to bar, 1988, California; Eastern and Central District Court of the State of California; all Courts of the State of California. Education: California Polytechnic State University at San Luis Obispo (B.A., 1984); University of San Diego (J.D., 1988). Chapter 7 Panel Trustee, Central District of California 1997 - Present; Chapter 11 and 12 Trustee and Court-Appointed Examiner, U.S. Bankruptcy Court, Central District of California; State Court Receiver, County of San Luis Obispo; Member, State Bar of California; San Luis Obispo County Bar Association (Treasurer, 1989-90; Secretary 1990-91); Santa Barbara County Bar Association; Member American Bankruptcy Institute; Member National Association of Bankruptcy Trustees; Chairperson - Personal & Small Business Law Advisory Commission State Bar of California (1999-2000), Member 1995-2000; Former member San Luis Obispo County Women's Lawyers Association; Quota International of San Luis Obispo (Officer and Board Member 1995-1997); Author: *Personal and Small Business Bankruptcy in California* (CEB), 2003 and annual updates; Volunteer-TRO Clinic San Luis Obispo; Speaker-Current Bankruptcy Issues for WLA of San Luis Obispo, the Central Coast Escrow Association, and the Central Coast organization for Enrolled Agents, and the Chapter 7 Panel Trustee Annual Meeting, Central District of California. Practices primarily in bankruptcy, civil and commercial litigation.

Associate and principal: Farmer & Ready, A Law Corporation, San Luis Obispo, CA 1988-1999.

Sole practitioner: 1999-2012.

Sandra K. McBeth, A Professional Law Corporation: 2013-present.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
2236 S. Broadway, Suite J, Santa Maria, CA

A true and correct copy of the foregoing document described APPLICATION BY TRUSTEE TO ACT AS ATTORNEY FOR THE ESTATE NUNC PRO TUNC; DECLARATION OF SANDRA K. MCBETH will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On December 6, 2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

United States Trustee (ND)
Joseph Bussone Attorney for Debtor

ustpregion16.nd.ecf@usdoj.gov
jdbussone@gmail.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On December 6, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
Patrick James Dennis
999 Suffolk Street
Cambria, CA 93428

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

December 6, 2017
Date

Donna Earnest
Type Name


Signature